

# United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 LOUETTA MALLARD, Individually and  
12 BRUCE WELLS, A Minor, by and through  
his Guardian ad Litem, LOUETTA  
MALLARD,

No. C 04-1246 MMC

## **ORDER OF DISMISSAL**

## Plaintiffs,

v.

15 CITY OF CLEARLAKE, CALIFORNIA,  
ROBERT MCDONALD, and DOES,

## Defendants

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18 The parties having advised the Court that they have agreed to a settlement of the  
19 above-titled action, and the Court having approved the compromise of the claim of minor  
20 Bruce Wells,

21 IT IS HEREBY ORDERED that said action be dismissed without prejudice; provided,  
22 however, that if any party hereto shall certify to this Court, within ninety days, with proof of  
23 service of a copy thereon on opposing counsel, that the agreed consideration for the  
24 settlement has not been delivered, the foregoing Order shall stand vacated and the action  
25 shall forthwith be restored to the calendar to be set for trial.

**IT IS SO ORDERED.**

|| Dated: July 11, 2005

/s/ Maxine M. Chesney  
MAXINE M. CHESNEY  
United States District Judge